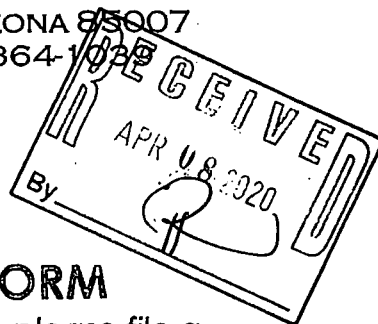


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1089

VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: April 8, 2020

Case Number: 20-97

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: unknown

Premise Name: 1st Pet Veterinay Centers

Premise Address: 18453 N. 7th Avenue

City: Phoenix

State: AZ

Zip Code: 85023

Telephone: (623) 849-0700

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Ben and Melissa Harper

Address: [REDACTED]

City: [REDACTED]

State: [REDACTED]

Zip Code: [REDACTED]

Home Telephone: [REDACTED]

Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Aisu Harper

Breed/Species: Akita-inu

Age: 13 Sex: F Color: White

PATIENT INFORMATION (2):

Name: _____

Breed/Species: _____

Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

We were not able to get a name. The technician came out to the car and took our pet inside. We were not allowed in the clinic in accordance with CDC guidelines governing coronavirus restrictions. First Pet, 18453 N 7th Ave, Phoenix, AZ 85023, Phoenix, AZ. 85023.

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Dr. Hugh Giffords, Phoenix Dog Cat Hospital, _____
_____. Tel: _____ Fax: _____

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Ben Harper Melissa M. Harper

Date: 4/7/20

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

Our thirteen year old Akita-inu was vomiting blood. Our normal Veterinarian was not open. We took her to First Pet on North 7th Avenue in Phoenix.

We could not be allowed indoors in accordance with covid-19 restrictions. We called the number on the door as instructed and a Technician came out, took some basic information about Aisu and then escorted her indoors.

We waited for two hours in the parking lot before the Veterinarian called asking for more information about Aisu. She said she would work up an estimate for us to review. Half an hour later still no estimate so we again called. They brought the estimate outside which included \$140.00 fee for an initial examination and were directed to sign it before she could be evaluated.

The parking lot had become full by now so we asked to get her back so we could leave. We explained that we intended to take her elsewhere. Our regular Vet, Dr. Hugh Giffords, was in touch with us during this time as his office had since opened. He said he could see Aisu right away.

We are told without first paying \$140.00 we could not have our dog back. We were never told about the fee when we handed her over and certainly not prior to receiving the estimate for \$2,400.00. The estimate was for no specific tests other than blood, x-rays and ultra-sound. We never agreed to anything.

We requested a receipt and a copy of her work-up after having been told "HE" was already examined. There was none. We directed the Technician to send it to our Veterinarian and provided her with the contact information explaining we were headed there directly.

Dr. Giffords never received paperwork. Ten hours later he called them on speakerphone in our presence. No paperwork was ever created from an exam, no temperature, no respiration information, nothing was available. Our Veterinarian asked for the Manager and was told no one was available. Dr. Giffords told the ER this was extremely unethical because they clearly did not evaluate my dog.

Dr. Giffords suggested we contact the Medical Board, submit a complaint and dispute the charges because we were charged for an exam that clearly did not occur.

I have since disputed the fee with American Express.

Thank You,
Ben Harper

In Re: Case #20-97

Attached is all of the information requested from the board. I was not personally involved in the case Aisu the day of the visit. At that time we has started to not allow owners in the building and were using curbside checkin due to Covid-19. A full exam was done by our veterinarian Dr Hanna Wachtel and she had communicated with the owners previous to them asking to get Aisu to take him to another hospital. At the time the owners asked to take him and declined any other treatment or diagnostics from us we had our CSR call to collect payment as we do with all patients. During our curbside service we do this first and then have a technician go over discharge instructions over the phone and then take the pet out to the owner to leave. During this time of Covid – 19 we do this in order to minimize contact with owners and decrease the risk of exposure. It was during this process that the owner felt we were “holding the pet until we got paid”. Aisu was returned to the owner and he was allowed to go to his RDVM. The record was sent over to Phoenix Dog, Cat and Bird Hospital on 4/5/2020 at 11:03am. Please feel free to ask for any other needed information.

Respectfully submitted,

Ryan Lunt, D.V.M.
1st Pet Veterinary Centers



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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Robert Kritsberg, DVM - Chair
Christina Tran, DVM
Carolyn Ratajack
Jarrod Butler, DVM
Steven Seiler

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Marc Harris - Assistant Attorney General

RE: Case: 20-97
Complainant(s): Ben and Melissa Harper
Respondent(s): Ryan Lunt, DVM (License: 4423)

SUMMARY:

Complaint Received at Board Office: 4/8/20
Committee Discussion: 9/1/20
Board IIR: 10/21/20

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised September
2013 (Yellow).

On April 4, 2020, "Aisu," a 13-year-old female Akita mix was presented to Respondent's premises for vomiting blood. Due to Covid-19 precautions, Complainants called the premises while in the parking lot; technical staff came out and after taking the dog's history, took the dog inside for evaluation.

Later, after examining the dog, Dr. Wachtel contacted Complainants with her assessment and recommendations for diagnostics on the dog. An estimate was to be generated and presented to Complainants. Time passed and Complainants were not presented with an estimate, therefore, they called and requested the dog be returned to them. Complainants' regular veterinarian's office was now open and they would take the dog there.

Complainants were asked to pay the examination fee prior to discharging the dog. Complainants stated that they were not advised of fees for an exam, nor approved services. Additionally, Complainants were not given a copy of the dog's medical records upon request, nor was a copy provided to their regular veterinarian.

Respondent is the responsible veterinarian for the premises.

Complainant was noticed and did not appear.

Complainant was noticed and did not appear.

Respondent was noticed and appeared telephonically. Attorney David Stoll appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Ben and Melissa Harper*
- Respondent(s) narrative/medical record: *Ryan Lunt, DVM*
- Consulting veterinarian(s) narrative/medical record: *Hugh Giffords, DVM*

PROPOSED 'FINDINGS of FACT':

1. On April 4, 2020, at approximately 8:03am, Complainants presented the dog to Respondent's premises on emergency due to vomiting blood. Upon arrival, Complainant waited in the parking lot and called the premises due to Covid-19 precautions. Technical staff went into the parking lot to meet with Complainants, obtained the dog's history and took the dog into the premises for evaluation.

2. At 9:05am (Complainants reported they waited 2 hours before speaking with Dr. Wachtel), Dr. Wachtel stated she examined the dog. The dog had a weight = 92.8 pounds, a temperature = 101.4 degrees, a pulse rate = 110bpm, and a respiration rate = 50rpm; BAR, stiff gait, and 7% dehydrated. Dr. Wachtel noted a left elbow hygroma and a mildly unkempt hair coat with generalized muscle atrophy.

3. After her exam, Dr. Wachtel contacted Complainants with her assessment and recommendations; she recommended blood work and radiographs initially and possibly an abdominal ultrasound based on those findings. According to Dr. Wachtel, Complainants were concerned about how long the initial diagnostics would take – she advised it could be 45 minutes to an hour, however, recommendations for continued care would be made based on the diagnostics. Dr. Wachtel also discussed symptomatic care with an anti-emetic, SQ fluids and a month of an antacid such as omeprazole. She relayed that Complainants could leave once a diagnostic plan was made, which an estimate with diagnostics would be emailed for approval.

4. According to Complainants, a half hour passed and still no estimate was received. Complainants called to ask about the estimate; the estimate was brought out to them and included an exam fee of \$140. At this point, Complainants requested the dog be returned to them as their regular veterinarian, Dr. Giffords's office, was now open and they wanted to take the dog there. Complainants stated they were advised that the examination fee was required before the dog could be discharged. They requested a copy of the dog's work up since they were advised the dog had been examined, and to send a copy to Dr. Giffords – none was provided.

5. According to Dr. Wachtel, at 9:20am, an estimate was created and emailed to Complainants. At 9:43am, Complainants called to advise that they wanted to take the dog to their regular veterinarian. Dr. Wachtel was busy and could not speak directly to Complainants at that time, therefore, her technical staff called to discuss discharge instructions and offer a nausea medication. Complainants became angry and began swearing; the dog was checked out and discharged at 10:02am.

Dr. Giffords called the premises while with Complainants and was told that no paperwork was created and nothing was available.

7. That same day, an entry in the dog's medical records from Respondent's premises states that Dr. Gifford called upset with how his clients were treated by holding the dog hostage until payment was received. Premises staff member, Ms. Gulla, advised that although the medical record was not completed, it does mention that a physical exam was conducted. Dr. Giffords requested the hospital manager call him when they returned to the premises.

8. According to Respondent, a copy of the dog's medical record was sent to Phoenix Dog, Cat, and Bird Hospital on April 5, 2020.

9. According to the Veterinary Practice Act, ARS §32-2274 (A) (10), emergency or twenty-four hour facilities are required to give copies of medical records to the owner or the owner's agent on release of an animal.

COMMITTEE DISCUSSION:

The Committee discussed that Complainants were not happy with the exam fee, the fact they had to wait for a prolonged period of time and that the medical records were not sent to Dr. Giffords as requested. There was some discrepancy between Complainants timeline and the medical records provided.

The Committee discussed that Complainants did not receive a copy of the medical records when the dog was released. If they had, Complainants could have provided them to their regular veterinarian. Some Committee members commented that if the dog was seen and treated, a folder of the medical records would have been provided. However, if a pet owner leaves and does not have any treatment performed on their animal; a receipt is provided and a copy of the medical is made available as soon as possible. When the regular DVM calls for the medical records, then they are provided. In this case, Dr. Giffords was not listed as the regular DVM, which could have played a role in the premises advising him that no records were available.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any

other sources used to gather information for the investigation.



Tracy A. Rendeau, CVT
Investigative Division